IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24489 of 2004

Between:

Ch. Laxmaiah, S/o. Venkaiah, E.No. 74279,
Falaknuma Depot, Hyderabad, R/o. H.No. 8-8, Mythrinagar,
Dilsukhnagar, Hyderabad.

..... PETITIONER

AND

The Depot Manager, APSRTC, Falaknuma Depot, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing suspension order in hastily within (5) days by modifying the Top Punch tickets from give (5) to six (6) of Rs. 3/- impleading himself as a party to one extra Top punch ticket of Rs. 3/- showing his personnel interest, without awaiting the (7) days period from the date of issuing charge memo to submit explanation and avail the opportunity provided to submit explanation within (7) days and depriving the petitioner from submitting his explanation, and consequential benefits and issuing directions to the respondent that the action taken by the interested party who impleaded himself as party to the charge and issuing suspension order NO. 02/95/(46)/2004-FM, dated 10.12.2004 within the prescribed time and also refusing to accept the charge sheet explanation on 22.12.2004 stating ought to be submitted on 21.12.2004 is as illegal, unjust contrary to law and in violation of principles ofl natural justice by granting all consequential benefits and set aside the suspension order No. 02/95(46/2004-FM, dated 10.12.2004, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.MOHD.GHOUSEUDDIN

Counsel for the Respondent No.: MR.V.T.M.PRASAD, STANDING COUNSEL FOR APSRTC

The Court at the stage of admission, made the following :

ORDER:

Challenging the suspension order dated 10.12.2004, the present writ petition is filed.

The learned counsel appearing for the petitioner contended that without receipt of the explanation from the petitioner, the suspension order has been passed by the respondent, even though a charge memo was issued to him on 6.12.2004. Hence, prays to allow the writ petition.

The learned Standing Counsel appearing for the respondent-Corporation opposed the same. The impugned proceedings are only suspension pending enquiry, with regard to the series of ticket irregularities, committed by the petitioner. His allegation is that the petitioner collected the amount of Rs.15/- from five individual

passengers and not issued the tickets.

The authority or jurisdiction of the person who issued the suspension order is not under challenge. Therefore, there are no grounds to interfere with the suspension order. The suspension order is completely in accordance with the Rules and Regulations of the Corporation.

Therefore, the writ petition is devoid of merit and the same is dismissed at the stage of admission. However, the respondent-Corporation is directed to complete the enquiry within a period of two months from the date of receipt of a copy of this order.

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29.12.2004

bsv

To

1. The Depot Manager, APSRTC, Falaknuma Depot, Hyderabad.
2. 2 CD copies